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November 7, 2007

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

*In the Matter of Kurtis J. Kintzel, Keanan Kintzel, and all Entities by which
they do business before the Federal Communications Commission
EB Docket No. 07-197*

Dear Ms. Dortch:

NASUCA is in receipt of the latest correspondence directed to the Commission Secretary from the attorney representing the subjects of the above-captioned investigation (hereafter "Kintzels et al"). The letter, dated November 4, 2007, is purportedly prompted by the "newly discovered fact" that undersigned counsel served on the original FCC Consumer and Disability Advisory Committee (CDAC).¹ From that *discovered* fact, an assertion is made that the process must be protected from the risk of "collusion and improper influence" if NASUCA were allowed to be a party to the instant proceeding. This exercise in reductio absurdum is expanded still further with the assertion that, "The presence of a former or current member of an FCC Committee as legal counsel to NASUCA, suggests that NASUCA is not really independent at all, but rather an arm of the FCC."

It is difficult to understand let alone condone the failure of counsel for the Kintzels et al, to also have "discovered" from the Commission web site at <http://www.fcc.gov/cgb/cdtac/cdtac.html> that each of the Commission's committees is *advisory* in nature; and that actions of those committees are actions of the *committee*, not any one or more of its members, none of whom are employed by the Commission.

¹ Undersigned notes that she did not represent NASUCA when serving on the original CDAC, but rather served as the equivalent of an at-large consumer advocate. Her selection was based on her extensive experience including her role as former legislative and executive director of the nation's largest consumer organization (Consumer Federation of America), executive director of the Wisconsin Citizens' Utility Board, on-air Consumer and Legal Correspondent to the NBC *Today* show, and counsel to various national and local consumer groups in federal and state regulatory and judicial proceedings related to telecommunications.

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Ms. Marlene H. Dortch

November 7, 2007

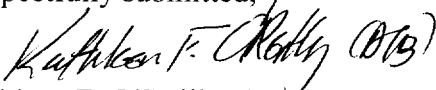
Page 2

More serious and offensive is the suggestion in that anyone who represents the consumer point of view as a member of a Commission *advisory* committee is precluded from being subsequently employed to represent the consumer point of view in any future Commission proceeding. In practical terms, that would include most if not all Commission proceedings, inasmuch as the Commission is obligated to take the ratepayer (consumer) point of view into account as an integral aspect of fulfilling its obligation to protect the public interest.

Finally, in an ironic twist, by this latest correspondence the Kintzels et al appear to have in effect conceded their earlier argument about NASUCA's independence. The Kintzels et al cannot now contend that NASUCA is effectively an arm of the FCC yet simultaneously contend that NASUCA is compromised by "possible" funding from corporate competitors (as was the claim in their letter of October 30, 2007).

Lest the Kintzels et al continue to harbor any further anxiety as to NASUCA's independence, attention is directed to the extensive NASUCA filings at the FCC in which Commission action or inaction is criticized, and to the various appeals that NASUCA has taken on various Commission decisions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathleen F. O'Reilly" followed by a stylized monogram or initials in parentheses.

Kathleen F. O'Reilly, Attorney at Law
Counsel to NASUCA

Certificate of Service


I HEREBY CERTIFY that a true and correct copy of the foregoing objection of the National Association of State Consumer Utility Advocates (NASUCA) to the request of Kurtis J. Kintzel, Keanen Kintzel, and all other entities by which they do business ("the Kintzels, et al"), for leave to file an additional pleading, was mailed this 7th day of November, 2007, by First Class mail, postage prepaid, to the following:

Ms. Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W., TW-A325
Washington, D.C. 20554

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